

## REMARKS

The claims are not amended, and are merely presented in their current form for the Examiner's convenient reference.

The Office Action states that "[i]n the claims it is not clear as to the distinctness between the first and second strut members and the first and second of each strut which are telescopically received within each other." This issue is not presented as a rejection or as an objection (see MPEP 707.07(d) and 706.01), but is assumed to be an objection.

We submit that the claims are clear and distinct, since the claims and specification plainly distinguish between the struts and the strut members: the strut members are included in the struts. See claims 6, 12, 18, 29, 32, 34, 46, and 48, which are the claims wherein the strut members are introduced: all recite that the strut members are subcomponents of the struts. This is particularly clear in view of page 4 lines 8-13, which discuss how the struts are formed of the strut members.

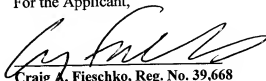
We therefore submit that all claims are unobjectionable and in accord with 35 USC §112(2), since an ordinary artisan would comprehend the bounds of the claims when read in light of the specification. As noted by the Court of Appeals for the Federal Circuit in *Miles Laboratories Inc. v. Shandon Inc.*, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993):

The "distinctly claiming" requirement [of 35 USC §112(2)] means that the claims must have a clear and definite meaning when construed in the light of the complete patent document. ... Section 112 thus ensures definiteness of claim language. ... The test for definiteness is whether one skilled in the art would understand the bounds of the claim when read in light of the specification. ... If the claims read in light of the specification reasonably apprise those skilled in the art of the scope of the invention, Section 112 demands no more.

(Citations omitted.) See also *Howmedica Osteonics Corp. v. Tranquil Prospects Ltd.*, 74 USPQ2d 1680, 1683 (Fed. Cir. 2005) ("[t]he definiteness of a patent claim depends on whether one skilled in the art would understand the bounds of the claim when read in light of the specification"). Here, it is believed that the meaning of the claims – and more particularly the relationship between the "struts" and "strut members" – is clear and definite, both when read in a vacuum and even more so when read in light of the specification. Please note MPEP 2173 *et seq.*, particularly MPEP 2173.02 ("Clarity and Precision").

Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,

A handwritten signature in black ink, appearing to read 'Craig A. Fieschko', written over a horizontal line.

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